

**REMARKS**

Claims 1-15 are pending in the present application. Applicants respectfully request that the Examiner disregard the election filed on May 4, 2009, in favor of the present election.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group II, Claims 8-15.**

According to MPEP 803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. Since claims 8-15, placed in Group II, are directed to a method of using the product recited in claims 1-7, which are placed in Group I, by searching one group the Examiner is necessarily searching the other group, since the claims are so closely related. Therefore, it would not be undue burden to search all of the pending claims.

Unity of invention exists when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. Although lack of unity of invention should certainly be raised in clear cases, it should neither be raised nor maintained on the basis of a narrow, literal or academic approach. There should be a broad, practical consideration of the degree of interdependence of the alternatives presented, in relation to the state of the art as revealed by the international search or, in accordance with PCT Article 33(6), by any additional document considered to be relevant. *See* MPEP § 1850.

In the present instance, the special technical feature is the agent or transplant for enhancing the migration or accumulation of mesenchymal stem cells. The document which the Examiner uses to allegedly teach the presently claimed invention does not teach each and every element of the presently claimed invention. Thus, the reference does not serve to destroy the lack of unity of the presently claimed invention.

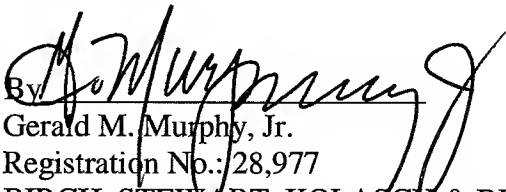
In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding Restriction Requirement.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Registration No 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: **May 14, 2009**

Respectfully submitted,

*MTC*  
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